

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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DANIEL MARKERT, individually and as  
Executor for the  
ESTATE OF MICHAEL MARKERT, Deceased,  
et al.,

Plaintiffs,

v.

THE PNC FINANCIAL SERVICES GROUP, INC.,  
f/k/a/ PNC FINANCIAL CORPORATION,  
d/b/a PNC,

Defendant.

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CIVIL ACTION

NO. 11-4918

**ORDER**

**AND NOW** this 14th day of November, 2011, upon consideration of the Motion to Dismiss (Doc. No. 3) submitted by Defendant, The PNC Financial Services Group, Inc., f/k/a PNC Financial Corporation, d/b/a/ PNC (“Defendant”) and the Motion for Leave to File Amended Complaint (Doc. No. 7) submitted by Plaintiffs Daniel Market, individually and as executor of the estate of Michael Markert, deceased, Joseph Markert, and Thomas Markert (“Plaintiffs”) and the response thereto, it is hereby **ORDERED** that:

- 1) Defendant’s Motion to Dismiss is **GRANTED**;
- 2) Plaintiffs’ Complaint is **DISMISSED**;
- 3) Plaintiffs’ Motion for Leave to File Amended Complaint is hereby **GRANTED**;
- and
- 4) Plaintiffs shall submit an amended complaint consistent with our Opinion within

fourteen days of this Order.

BY THE COURT:

/s/ Robert F. Kelly

ROBERT F. KELLY  
SENIOR JUDGE